

1. On October 21, 2021, the Court entered a Pre-Trial Scheduling Order setting deadlines in this case. (Dkt. No. 85). Since then, the parties have engaged in robust discovery and worked diligently to complete the document production necessary for the taking of depositions. The parties have produced and reviewed over 80,000 pages of documents, in addition to answers to written interrogatories. However, as discussed below, there are circumstances outside of the parties' control that constitute good cause warranting an extension of the discovery schedule under Fed. R. Civ. P. 16(b)(4) and Local Rule 16.3.

2. Plaintiff is still awaiting the production of documents from third parties. In May and early June 2022, Plaintiff issued document subpoenas to multiple third parties, including the Plan's independent investment consultant and the investment manager for the disputed funds. Plaintiff has repeatedly communicated with these third parties to secure their document production (including to resolve disputes concerning the scope of such

production) and has advised them of pertinent deadlines in this case. But Plaintiff still has not yet received any documents from any of the third parties, and it is anticipated that the third parties may need several additional months to complete their productions. After the third parties complete their document productions, Plaintiff anticipates taking depositions.

3. In addition, the parties have not yet reached an agreement as to the scope of certain discovery requests and are still conferring on the subject. Plaintiff also anticipates filing an Amended Complaint, and additional time will be needed for Defendants to respond to the anticipated Amended Complaint.

4. Finally, Plaintiff's undersigned counsel, who has been managing this case since its inception, is pregnant and anticipated to be on maternity leave from around late November 2022 until early March 2023. This spans a critical period when the parties had originally expected to complete depositions and conduct the bulk of expert discovery.

5. Based on the foregoing circumstances, the parties anticipate that approximately five additional months will be required to complete fact discovery; however, other deadlines may be compressed so that the overall case schedule is adjusted by only four months. The parties agree that no extension is necessary for the current October 14, 2022 deadline to move to amend the pleadings or join other parties. Accordingly, the parties hereby agree to, and respectfully request that the Court order, an extension of the deadlines set forth in the Pretrial Scheduling Order (Dkt. No. 85) as summarized below and as further detailed in the Proposed Order submitted herewith. This is the first extension sought to the Pretrial Scheduling Order.

Event	Current Deadline	Adjusted Deadline
Completion of Written Discovery Necessary for the Taking of Fact Depositions	August 15, 2022	December 13, 2022
Parties to Disclose the Identities of Their Initial Experts	December 1, 2022	April 13, 2023
Close of Fact Discovery	December 15, 2022	May 12, 2023
Parties to File and Serve Non-Dispositive Motions Relating to Fact Discovery	December 19, 2022	May 19, 2023
Parties to Serve Initial Expert Reports	February 1, 2023	June 1, 2023
Parties to Disclose Rebuttal Experts	March 1, 2023	June 29, 2023
Parties to Serve Rebuttal Expert Reports	March 15, 2023	July 13, 2023
Parties to File and Serve All Other Non-Dispositive Motions, Including Motions Relating to Expert Discovery	April 17, 2023	August 15, 2023
Close of Expert Discovery	April 26, 2023	August 24, 2023
Dispositive Motions	June 26, 2023	October 24, 2023
Trial Ready	October 26, 2023	February 26, 2024

STIPULATED AND AGREED TO BY:

Counsel for Plaintiff/s/ Alexandra Harwin

Alexandra Harwin, NY Bar No. 5347471*

David Sanford, NY Bar No. 5695671*

SANFORD HEISLER SHARP, LLP

1350 Avenue of the Americas, 31st Fl.

New York, NY 10019

Phone: (646) 402-5650

Facsimile: (646) 402-5651

Counsel for UnitedHealth/s/ Meaghan VerGow

Meaghan VerGow, DC Bar No. 977165*

Brian D. Boyle, DC Bar No. 419773*

O'MELVENY & MYERS LLP

1625 Eye Street, NW

Washington, DC 20006

Phone: (202) 383-5300

Facsimile: (202) 383-5414

aharwin@sanfordheisler.com
dsanford@sanfordheisler.com

Charles Field, CA Bar No. 189817*
SANFORD HEISLER SHARP, LLP
2550 Fifth Avenue, 11th Floor
San Diego, CA 92103
Telephone: (619) 577-4242
Facsimile: (619) 577-4250
cfield@sanfordheisler.com

Kevin H. Sharp, TN Bar No. 16287*
Leigh Anne St. Charles, TN Bar No. 36945*
SANFORD HEISLER SHARP, LLP
611 Commerce Street, Suite 3100
Nashville, TN 37203
Phone: (615) 434-7000
Facsimile: (615) 434-7020
ksharp@sanfordheisler.com
lstcharles@sanfordheisler.com

Sean Ouellette, MA Bar No. 697559*
SANFORD HEISLER SHARP, LLP
700 Pennsylvania Avenue SE, Suite 300
Washington, D.C. 20003
Telephone: (202) 499-5200
Facsimile: (202) 499-5199
souellette@sanfordheisler.com

Susan M. Coler, MN Bar No. 0217621
HALUNEN LAW
1650 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Telephone: (612) 605-4098
Facsimile: (612) 605-4099
coler@halunenlaw.com

mvergow@omm.com
bboyle@omm.com

Deborah A. Ellingboe, MN Bar No. 26216X
Isaac B. Hall, MN Bar No. 0395398
**FAEGRE DRINKER BIDDLE &
REATH LLP**
2200 Wells Fargo Center 90 S.
Seventh Street
Minneapolis, Minnesota 55402
Phone: (612) 766-8713
Facsimile: (612) 766-1600
debbie.ellingboe@faegredrinker.com
isaac.hall@faegredrinker.com

* admitted *pro hac vice*